

FILED

MAR 01 2017

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

**U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401**

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES FOR AN
ORDER FOR DISCLOSURE OF
TELECOMMUNICATIONS RECORDS
AND USE OF PEN REGISTER AND OR
TRAP AND TRACE DEVICE ON TARGET
NUMBER (240) 203-0496

SEALED RECORD NO. 3:17 mc 9
(UNDER SEAL)

APPLICATION

Now comes Betsy Steinfeld Jividen, Acting United States Attorney for the Northern District of West Virginia, by Anna Krasinski, Assistant U.S. Attorney, and hereby applies to the court for an order, pursuant to Title 18, United States Code, Sections 2703(d) and 3122-3124 directing Sprint to provide to agents of the Federal Bureau of Investigation, the West Virginia State Police, and the San Bernardino County Sheriff's Department (California), the following transactional records, and authorizing the installation and use of a pen register and/or trap and trace device from the date of installation of such device and extending for a period of sixty (60) days from the date of installation of such device pertaining to cellular phone number (240) 203-0496, to include call detail, and toll records:

1. Numbers dialed;
2. Incoming Numbers if Identified; to include the Continental United States and its Territories;
3. Call durations;
4. Signaling information;
5. Subscriber, ESN and billing information for the specified cellular / wireless telephone;

6. Subscriber, ESN and billing information for any other cellular/wireless telephones on this account or that may be identified from these records;
7. Should this cellular/wireless, MIN/ESN or combination be changed by the subscriber during the course of this order, this order will apply to any new MIN/ESN;
8. That Sprint provide 24 Hour a day switch based technical assistance, as specified by agents of the Federal Bureau of Investigation, the West Virginia State Police, and the San Bernardino County Sheriff's Department (California);
9. That Sprint and their resellers not terminate or restrict service to any cellular/wireless telephone covered by this order, for the duration of this order;
10. That upon request from agents of the Federal Bureau of Investigation, the West Virginia State Police, and the San Bernardino County Sheriff's Department (California) this cellular/wireless telephone shall be activated in the SMART SYSTEM (If provided);
11. That all call detail records be provided in an electronic format specified by agents of the Federal Bureau of Investigation, the West Virginia State Police, and the San Bernardino County Sheriff's Department (California);
12. That Sprint switch either cellular towers by geographic area of coverage or cellular/wireless service for a specified cellular/wireless telephone from digital service to analog at the request of agents of the Federal Bureau of Investigation, the West Virginia State Police, and the San Bernardino County Sheriff's Department (California).

It is requested, pursuant to United States Code, Section 3123, that agents of the Federal Bureau of Investigation, the West Virginia State Police, and the San Bernardino County Sheriff's Department (California), may install and use a pen register and/or a trap and trace device and/or caller ID/ caller ID Deluxe, as they may elect, to capture and register outgoing and/or incoming dialed numbers or electronic or other impulses which identify the outgoing and/or incoming originating numbers (call-identifying information) of wire or electronic communications, to record the date and time of such outgoing and/or incoming dialing impulses or numbers, and to record the length of time the target cellular number is off the hook for incoming and/or outgoing wire or electronic communications, for wireless cellular phone (240) 203-0496 for a period of sixty (60)

days from the date of installation of such device; and

It is further requested, pursuant to Title 18, United States Code, Sections 3123 (b)(2), 3124(a) & 3124(b), that Sprint and any other related telecommunications carrier and/or provider of wire or electronic communication services shall furnish agents and officers with all information, facilities, and technical assistance necessary to accomplish the installation and use of a pen register and/or a trap and trace device and/or Caller ID/Caller ID Deluxe (unobtrusively) and with minimum interference to the services presently accorded the subscriber(s) of the target cellular telephone number; and

It is further requested, pursuant to Title 18, United States Code, Section 2703(d), that Alltel, AT&T, AT&T Wireless Services, United States Cellular, Atlantic Telephone Membership Corporation, BellSouth, Cingular, Cellco Partnership d/b/a Sprint PCS Wireless, Concord Telephone Company, Cellular One d/b/a Dobson Cellular Systems Inc., Cricket Communications, Horry Telephone, MCI, MCI Worldcom, Sprint PCS Wireless, Sprint/Carolina Telephone and Telegraph Company, Sprint Mid-Atlantic, Sprint Spectrum L.P., Tracfone, Triton PCS, Triton/Suncom, U.S. Cellular, Sprint PCS New Jersey Inc., Sprint PCS New York Inc., Sprint PCS South Inc., Sprint PCS West Virginia Inc., Sprint PCS Ohio Inc., Cincinnati Bell Telephone and or any other wireless or hardline telecommunication company, to include calling card carriers provide the Federal Bureau of Investigation, the West Virginia State Police, and the San Bernardino County Sheriff's Department (California) with subscriber information, including the names, addresses, credit and billing information of the subscribers, published and non-published, for the telephone numbers being dialed from or to (240) 203-0496 for a period of sixty (60) days from the date of installation of such device.

In support of this application, Assistant U.S. Attorney Anna Krasinski, states the following:

1. Applicant is an attorney for the government as defined in Rule 1 of the Federal Rules of Criminal Procedure and, therefore, under Section 3122(a)(1) of Title 18, United States Code, may apply for disclosure of telecommunications records.

2. Applicant certifies that the information sought is relevant and material to an ongoing criminal investigation that the Federal Bureau of Investigation and the West Virginia State Police are conducting regarding the distribution of Cocaine HCL in and around Berkeley County, within the Northern District of West Virginia, in violation of Title 21 United States Code, Section 841(a)(1); and that it is believed that the requested telecommunications records will assist the Federal Bureau of Investigation and the West Virginia State Police in the furtherance of the above investigation and additionally states the following:

2a. On September 12, 2016, investigators with the Potomac Highlands Drug and Violent Crimes Task Force utilized CI "Jet" (CI# 338-11-003) to attempt to purchase Cocaine HCL. CI "Jet" and another individual identified as ("Emilio"), traveled to TGI Fridays in Winchester, Virginia. The reason for the meeting was to introduce CI "Jet" to the unknown Hispanic male; a new source of supply for Cocaine HCL. Once inside TGI Fridays, CI "Jet" and "Emilio" made contact with the Hispanic male who identified himself as "Luis." "Luis" LNU (LNU meaning last name unknown) provided CI "Jet" with a free sample of Cocaine HCL and advised him/her to contact him at telephone number (301) 800-3899.

2b. On September 15, 2016, investigators with the Potomac Highlands Drug and Violent Crimes Task Force utilized CI "Jet" to purchase Cocaine HCL from Luis LNU in Clearbrook, Frederick County, Virginia. CI "Jet" was able to purchase one (1) ounce of Cocaine HCL from Luis LNU and another Hispanic male identified by investigators as TNU Chile (TNU meaning true name unknown). CI "Jet" contacted Luis LNU by

telephone number (301) 800-3899 to arrange this transaction.

2c. On September 27, 2016, investigators with the Potomac Highlands Drug and Violent Crimes Task Force utilized CI “Jet” to purchase Cocaine HCL from Luis LNU in Winchester, Frederick County, Virginia. CI “Jet” was able to purchase one (1) ounce of Cocaine HCL from Luis LNU. During this transaction, CI “Jet” provided investigators with a new telephone number (provided to him/her by Luis LNU) for Luis LNU. This new number being (540) 532-0314. CI “Jet” contacted Luis LNU by telephone number (301) 800-3899 to arrange this transaction.

2d. On October 4, 2016, investigators with the Potomac Highlands Drug and Violent Crimes Task Force utilized CI “Jet” to purchase Cocaine HCL from Luis LNU in Bunker Hill, Berkeley County, West Virginia. CI “Jet” was able to purchase 3.5 grams of Cocaine HCL from Luis LNU. During this transaction, Luis LNU asked CI “Jet” if he/she wanted to purchase something big; meaning a larger quantity of Cocaine HCL. CI “Jet” contacted Luis LNU by telephone number (540) 532-0314 to arrange this transaction.

2e. On October 10, 2016, investigators with the Potomac Highlands Drug and Violent Crimes Task Force utilized CI “Jet” to purchase Cocaine HCL from Luis LNU in Clearbrook, Frederick County, Virginia. CI “Jet” was able to purchase one (1) ounce of Cocaine HCL from Luis LNU. Luis LNU also stated he had a drug connection with the “Zetas” (Mexican Cartel) and then discussed the price of a kilo versus multiple kilos of Cocaine. CI “Jet” contacted Luis LNU by telephone number (540) 532-0314 to arrange this transaction.

2f. On November 03, 2016, investigators with the Potomac Highlands Drug and Violent Crimes Task Force utilized CI “Jet” to purchase Cocaine HCL from Luis LNU in Bunker Hill, Berkeley County, West Virginia. CI “Jet” was able to purchase 3.5 grams

(two (2) separate bags) of Cocaine HCL from Luis LNU. CI "Jet" contacted Luis LNU by his previous telephone number (301) 800-3899 to arrange this transaction.

2g. On November 07, 2016, investigators with the Potomac Highlands Drug and Violent Crimes Task Force utilized CI "Jet" to purchase Cocaine HCL from Luis LNU in Inwood, Berkeley County, West Virginia. CI "Jet" was able to purchase one (1) ounce of Cocaine HCL from Luis LNU. CI "Jet" contacted Luis LNU by his telephone number (301) 800-3899 to arrange this transaction.

2h. On November 11, 2016, Corporal Massie was able to confirm Sprint as the cellular phone carrier for Luis LNU's second telephone number of (301) 800-3899.

2i. On December 6, 2016, investigators with the Potomac Highlands Drug and Violent Crimes Task Force utilized CI "Jet" to purchase Cocaine HCL from Luis in Inwood, Berkeley County, West Virginia. CI "Jet" was able to purchase 3.5 grams of Cocaine HCL from Luis. CI "Jet" contacted Luis by his telephone number (301) 800-3899 to arrange this transaction.

2j. On January 4, 2017, investigators with the Potomac Highlands Drug and Violent Crimes Task Force utilized CI "Jet" to purchase Cocaine HCL from Luis in Bunker Hill, Berkeley County, West Virginia. CI "Jet" was able to purchase 3.5 grams of Cocaine HCL from Luis. CI "Jet" contacted Luis by his telephone number (301) 800-3899 to arrange this transaction.

2k. On January 10, 2017, investigators with the Potomac Highlands Drug and Violent Crimes Task Force utilized CI "Jet" to purchase Cocaine HCL from Luis in Inwood, Berkeley County, West Virginia. CI "Jet" was able to purchase one ½ half ounce of Cocaine HCL from Luis. CI "Jet" contacted Luis by his telephone number (301) 800-3899 to arrange this transaction.

2l. On January 25, 2017, investigators with the Potomac Highlands Drug and Violent Crimes Task Force utilized CI “Jet” to purchase Cocaine HCL from Luis in Bunker Hill, Berkeley County, West Virginia. CI “Jet” was able to purchase one ½ half ounce of Cocaine HCL from Luis. CI “Jet” contacted Luis by his telephone number (301) 800-3899 to arrange this transaction.

2m. On February 16, 2017, Luis contacted CI “Jet” via telephone and informed him/her of another telephone number to contact him at. Luis provided telephone number (240) 203-0496.

2n. Since February 16, 2017, CI “Jet” has engaged in verbal and text message conversations with Luis via (240) 203-0496. These conversations include the anticipated purchase of a .25 caliber pistol as well as an additional quantity of Cocaine HCL.

2o. On February 22, 2017, investigators with the Potomac Highlands Drug and Violent Crimes Task Force utilized CI “Jet” to successfully purchase a .25 caliber pistol from Luis in Winchester, Virginia. As a continuation of this operation/investigation, the CI then successfully purchased approximately ½ ounce of Cocaine HCL from Luis in Bunker Hill, Berkeley County, West Virginia. CI “Jet” contacted Luis by Luis’s telephone number (240) 203-0496 to discuss and arrange the aforementioned transaction.

2p. On February 28, 2017, task force investigators were able to confirm that Sprint is the cellular phone carrier providing cellular service to Luis’s number (240) 203-0496.

2q. The Applicant requests a pen register with disclosure of telecommunication records be permitted with respect to Sprint number (240) 203-0496, which will enable investigations to conduct surveillance of Luis LNU. This surveillance will enable the Applicant to further identify Luis LNU’s network of Cocaine distribution and source of supply.

3. Applicant requests that the Court issue an order pursuant to Title 18, United States Code, Section 2703(d) directing the Sprint to provide the requested records to agents of the Federal Bureau of Investigation, the West Virginia State Police, and the San Bernardino County Sheriff's Department (California).

4. Applicant further requests that this application and order be sealed by the Court until such time as the Court directs otherwise, since disclosure at this time would seriously jeopardize the investigation; and that the Court Order direct Sprint, its agents, and employees, not to disclose the existence of this order or of this investigation to the subscriber, or to any other person unless otherwise directed by the Court.

Wherefore, it is respectfully requested that the Court grant an order (1) directing Sprint to furnish the requested records, and (2) sealing this application and order, except that one (1) copy be provided to the Federal Bureau of Investigation, the West Virginia State Police, the San Bernardino County Sheriff's Department (California), and that one (1) copy be provided to the United States Attorney's Office.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 1st day of March 2017.

BETSY STEINFELD JIVIDEN
ACTING UNITED STATES ATTORNEY

A handwritten signature in cursive script, appearing to read "Anna Krasinski", is written over a horizontal line.

Anna Krasinski
Assistant United States Attorney